

STAFF REPORT

TO: Chehalis River Basin Flood Authority Members
FROM: Lara Fowler
RE: Background Information on New Members Joining the Flood Authority
DATE: November 10, 2011

In response to formal requests by the Cities of Napavine (Lewis County) and Cosmopolis (Grays Harbor County) to join the Chehalis River Basin Flood Authority, the Executive Committee asked for a review of how new members could join.

Background on Interlocal Agreement and Rules of Procedure

The April 30, 2008 Interlocal Agreement that legally established the Flood Authority under RCW 39.34.030 provides little guidance. This Agreement simply listed the 10 original members, including Lewis County, Grays Harbor County, Thurston County, the City of Centralia, the City of Chehalis, the Town of Pe Ell, the City of Aberdeen, the City of Montesano, the Town of Bucoda, and the Confederated Tribes of the Chehalis Reservation. Although Section 4.0 discusses "Membership and Representation", this section states that each of the Basin Governments shall designate in writing one official representative. Section 4.0 also states that the Counties shall act as the coordinators and representatives of the basin communities within their respective jurisdictions which are not otherwise represented. Section 7.0 notes that a basin government "may opt out of this Agreement by written notification to the Lead Agency with 90 days prior notice." Finally, Section 8.0 requires any modification or amendment to be by written amendment signed by each of the parties to the agreement.

The Flood Authority's Rules of Procedure, adopted on July 1, 2008 and amended on July 23, 2008, also contain limited guidance. Section X states that the "actions and decisions made by the Flood Authority shall be consistent with the Interlocal Agreement, signed by each member entity that established the Flood Authority.... the Interlocal Agreement... shall act as the basis for all actions and decisions of the Flood Authority."

Previous Requests for Membership

According to Dan Thomson, the City of Oakville joined the Flood Authority in 2008 soon after the original interlocal agreement was signed. However, Oakville's membership was never formally ratified by amending the Interlocal Agreement.

The Quinault Indian Nation also asked to join the Flood Authority in 2008. The Flood Authority denied this request, stating that "Each of the current Authority members has legislative authority for land use regulations/permitting on areas within the Chehalis River Basin floodplain." We find this an essential characteristic for Authority Board membership..." A similar response was provided to a request from the Cowlitz Tribes.

Current Requests for Membership:

Both the Cities of Napavine and Cosmopolis have taken formal council action (see attachments) and requested to join the Flood Authority. In addition, the City of Oakville's membership has never been officially ratified by the parties to the Interlocal Agreement.